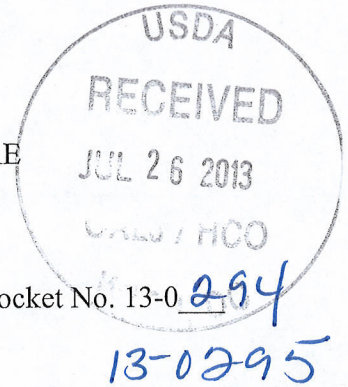


UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) AWA Docket No. 13-0 294
)
)
) GLORIA LEE GILBERT, an individual, and)
) ROGER GILBERT, an individual, doing business)
) as A LITTLE PETTING ZOO and ALL EVENTS)
) ENTERTAINMENT,)
)
) Respondents.) COMPLAINT

There is reason to believe that the respondents named herein have willfully violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(the "Act" or "AWA"), and the regulations issued pursuant thereto (9 C.F.R. § 1.1 et seq.)(the "Regulations"). Therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS"), issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Respondent Gloria Lee Gilbert is an individual whose mailing address is 13610 148th Avenue, SE, Yelm, Washington 98597. At all times mentioned herein, said respondent was an exhibitor as that term is defined in the Act and the Regulations. Said respondent held Animal Welfare Act license number 91-B-0075 from October 1999 until February 2004, when said respondent terminated the license.

2. Respondent Roger Gilbert is an individual whose mailing address is 13610 148th Avenue, SE, Yelm, Washington 98597. At all times mentioned herein, said respondent was an exhibitor as that term is defined in the Act and the Regulations. Said respondent held Animal Welfare Act license number 91-C-0113 from approximately April 2008 until April 16, 2009, when such license expired for failure to renew.

ALLEGATIONS REGARDING THE SIZE OF RESPONDENTS' BUSINESSES,
THE GRAVITY OF THE ALLEGED VIOLATIONS,
RESPONDENTS' GOOD FAITH AND RESPONDENTS' COMPLIANCE HISTORY

3. Respondents operate a business exhibiting farm, wild and exotic animals. The gravity of the violations alleged in this complaint is great, and include repeated instances in which these respondents knowingly exhibited animals without having a valid license, failed to provide animals with adequate veterinary care, and failed to handle animals humanely. Respondents have failed to comply with the Regulations. Neither of these respondents has shown good faith. To the contrary, they have knowingly demonstrated an unwillingness to comply with the Act's and the Regulations' prohibition against exhibiting animals without having a valid license and exhibiting animals safely. In 2009, respondent Gloria Gilbert was convicted of animal cruelty and neglect by the State of Washington in connection with ten animals seized by Thurston County authorities at the Thurston County Fair. Said respondent has misappropriated the business name and AWA license of another individual.

ALLEGED VIOLATIONS

4. On or about August 2008, at the Thurston County Fair, respondent Gloria Gilbert operated as an exhibitor, without having been licensed by the Secretary to do so, in willful violation of sections 2.1(a) and 2.100(a) of the Regulations. 9 C.F.R. §§ 2.1(a), 2.100(a)

5. From approximately January 2009 through approximately April 2009, respondent Roger Gilbert operated as an exhibitor, without having been licensed by the Secretary to do so, in willful violation of sections 2.1(a) and 2.100(a) of the Regulations. 9 C.F.R. §§ 2.1(a), 2.100(a)

6. On or about November 13, 2008, respondents failed make, keep and maintain records of the acquisition of animals, as required, in willful violation of the Regulations. 9 C.F.R. §

2.75(b)(1).

7. From on or about July 31, 2008, through December 31, 2008, respondents failed to employ an attending veterinarian under formal arrangements, and with appropriate authority to ensure the provision of adequate veterinary care and to oversee the adequacy of other aspects of animal care and use, in willful violation of section 2.40(a)(1)-(2) of the veterinary care regulations. 9 C.F.R. § 2.40(a)(1)-(2).

8. From on or about July 31, 2008, through December 31, 2008, respondents failed to have an attending veterinarian provide adequate veterinary care to respondents' animals, in willful violation of section 2.40(a) of the veterinary care regulations, and specifically on or about August 2, 2008, respondents failed to vaccinate, deworm or de-lice animals, failed to have animals' hooves trimmed, failed to treat sores, failed to have female sheep with respiratory problems and excoriated vulva treated, failed to treat goats with internal parasites (coccidia), failed to have hyperkeratosis diagnosed or treated, failed to have abscesses on a sheep diagnosed or treated, and failed to have a large growth on a llama's jaw diagnosed or treated. 9 C.F.R. § 2.40(a).

9. From on or about July 31, 2008, through approximately December 31, 2008, respondents failed to establish and maintain programs of adequate veterinary care, in willful violation of section 2.40(b) of the veterinary care regulations. 9 C.F.R. § 2.40(b).

10. On or about August 1, 2008, at the Thurston County Fair, respondents failed to handle animals (in particular, one llama, three alpacas, three sheep, and three goats) as carefully as possible in a manner that would not cause them trauma, unnecessary discomfort, behavioral stress, or physical harm, in willful violation of the handling regulations. All ten animals were seized by local law enforcement authorities. 9 C.F.R. § 2.131(b)(1).

11. On or about November 13, 2008, respondents willfully violated section 2.100(a) of the Regulations by failing to meet the minimum facilities and operating standards for rabbits, and specifically, respondents failed ensure that enclosures for rabbits were maintained in good repair . 9 C.F.R. § 3.53(a).

12. On or about August 1, 2008, at the Thurston County Fair, respondents willfully violated section 2.100(a) of the Regulations by failing to meet the minimum facilities and operating standards for animals other than dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates and marine mammals (9 C.F.R. §§ 3.125-3.142), and specifically, respondents failed to provide adequate nutritious food to alpaca, llamas, sheep and goats. 9 C.F.R. § 3.129.

13. On or about November 13, 2008, respondents willfully violated section 2.100(a) of the Regulations by failing to meet the minimum facilities and operating standards for animals (9 C.F.R. §§ 3.125-3.142), and specifically, respondents:

- a. Stored food for exotic felids and coatimundis in facilities that did not adequately protect the food from deterioration, molding, or contamination, 9 C.F.R. § 3.125(c);
- b. Failed to provide shelter from inclement weather to fallow deer fawn, 9 C.F.R. § 3.127(c);
- c. Failed to enclose premises for animals by an adequate perimeter fence, 9 C.F.R. § 3.127(d); and
- d. Failed to place accumulations of trash in designated areas and to keep premises clean, 9 C.F.R. § 3.131(c).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have in fact willfully violated the Act and the regulations issued under the Act, this complaint shall be served upon the respondents, who shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the

Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests that unless the respondents fail to file an answer within the time allowed therefor, or file an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing, upon motion pursuant to section 1.141(b) of the Rules of Practice governing proceedings under the Act; and that such order or orders be issued as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.
this 26th day of July 2013



Administrator
Animal and Plant Health Inspection Service

COLLEEN A. CARROLL
Attorney for Complainant
Office of the General Counsel
United States Department of Agriculture
Washington, D.C. 20250-1400
Telephone (202) 720-6430
e-mail: colleen.carroll@usda.gov